

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yoshio SUGANO et al.

Application No.: 10/685,423

Confirmation No.: 5846

Filed: October 16, 2003

Art Unit: 2621

For: MOVING IMAGE REPRODUCTION
APPARATUS AND METHOD

Examiner: C. G. Findley

COMMENTS ON STATEMENT OF REASONS
FOR ALLOWANCE UNDER 37 CFR §1.104(E)

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

The comments attached herewith do not cause substantial interference and delay in the patent issue process and therefore cannot be considered a “failure to engage in reasonable efforts” to conclude processing or examination of the application. Accordingly, the submission of said comments must not result in a reduction of the patent term adjustment of 863 days pursuant to 37 C.F.R. § 1.704(c)(10). See O.G. 26 June 2001, lines 38-53.

Applicant is appreciative of the Notice of Allowance papers dated April 7, 2009. Applicant offers the following comments regarding these documents.

In the Notice of Allowability, the Examiner acknowledged receipt of only “some” certified copies of the priority documents. Our records indicate that this statement is in conflict with the statement in the June 6, 2007 Office Action indicating that all certified copies of the priority documents were received. The Notice of Allowability states that “no English language translation has been provided.” Applicants’ understanding is that an English language

translation of a priority document is required only when an applicant relies on a foreign priority date in order to disqualify applied prior art which has a priority date falling between an applicant's foreign filing date and subsequent U.S. filing date. Although Applicants noted in their Amendment dated October 3, 2008 that the *Sull* reference *may* be disqualified in this manner, such disqualification was not relied upon to overcome the prior art references. The Applicants' Reply dated March 19, 2009 does not assert foreign priority to disqualify the *Sull* reference, and it is believed that the defects of the prior art agreed upon in the Examiner Interview of March 17, 2009, and presented in the Applicants' Reply dated March 19, 2009, sufficiently distinguish the applied prior art from the present claims. Accordingly, it is believed that no English language translation is necessary.

In the Reasons for Allowance, the Examiner indicated that the prior art fails to teach a feature recited in claims 1 and, paraphrased to a substantial extent, a feature recited in claim 7.

Applicant respectfully notes that the invention is defined by the combination of features in all of the allowed claims, which stand upon their own recitations, and limitations should not be imputed to any of the claims or claim features based upon the statement of Reasons for Allowance. Moreover, Applicant respectfully reserves his right to argue alternative interpretations and additional patentable distinctions of the claimed invention over any alleged prior art, should that need ever arise, which does not necessarily agree with any characteristics of the invention and/or alleged advantages thereof.

If the Examiner has any questions concerning this application, the Examiner is requested to contact James C. Larsen (Reg. No. 58,565) at the telephone number of the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

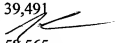
Dated: May 4, 2009

Respectfully submitted,

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